

ATTACHMENT A
Statement of Facts

The United States and Defendant David Wayne SWEET, Jr. stipulate and agree that if this case proceeded to trial, the United States would prove the facts set forth below beyond a reasonable doubt. They further stipulate and agree that these are not all of the facts that the United States would prove if this case proceeded to trial.

At all relevant times to this case, Defendant **DAVID WAYNE SWEET, JR. ("SWEET")** was a resident of St. Leonard, Maryland.

On September 19, 2013, members of the Calvert County Sheriff's Office Drug Enforcement Unit executed a search warrant at **SWEET's** residence based on alleged narcotics violations at that residence. The warrant authorized the seizure and search of all digital and electronic devices in the residence.

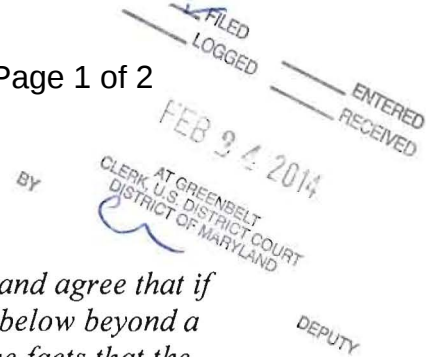
On September 24, 2013, pursuant to the search warrant, Calvert County Sheriffs used a forensic tool to extract the contents of **SWEET's** Motorola CDMA XT 907 RAZR M cell phone for later review.

On September 26, 2013, a Calvert County Drug Enforcement Detective who reviewed the forensic analysis of the cell phone observed images of the vaginal area of a prepubescent female ("Victim 1"), as well as images of Victim 1 nude in the bathtub.

Further forensic analysis of **SWEET's** Motorola cell phone revealed approximately 24 images displaying Victim 1's vaginal area that constitute "sexually explicit conduct" within the meaning of 18 U.S.C. § 2256(2)(A). Specifically, **SWEET** took approximately 14 close-up images of victim 1's vagina between June and September 2013, including images on June 17, July 8 and 18, August 3, 13, and 17, 2013. In some of the images, **SWEET'S** finger can be seen touching the inside or outside of Victim 1's vagina or spreading open Victim 1's vagina. Additionally, at some point between June and September 2013, **SWEET** took an additional 10 images of Victim 1 nude in the bathtub with the focus of the images on Victim 1's vaginal area. **SWEET** deleted all of the images of Victim 1, but law enforcement officials recovered all of the above-described images using a forensic tool.

On September 27, 2013, Calvert County Sheriff's officers arrested **SWEET** and interviewed him. After waiving his *Miranda* rights, **SWEET** admitted that the CDMA XT 907 RAZR M cell phone belonged to him, that he touched Victim 1's vagina while she was sleeping, and that he took the pictures of Victim 1's vagina.

The Motorola CDMA XT 907 RAZR M cell phone used in connection with the production of the child pornography described above was manufactured outside the state of Maryland and therefore travelled in interstate commerce to get to Maryland.



I have read this Statement of Facts and carefully reviewed every part of it with my attorney. I understand it, and I voluntarily agree to it. I do not wish to change any part of it.

1-31-14
Date

David Sweet
David Wayne Sweet, Jr.

I am David Wayne Sweet's attorney. I have carefully reviewed every part of this Statement of Facts with him. To my knowledge, his decision to sign it is an informed and voluntary one.

1-31-14
Date

John Chamble
John Chamble, Esq.